

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 William Thornton,

12 Petitioner,

13 v.

14 Raythel Fisher, Jr., Warden,

15 Respondent.

Case No.: 16cv2492 PCL

**ORDER DENYING MOTION
FOR PRELIMINARY
INJUNCTION (Doc. 43.)**

16
17 Plaintiff requests preliminary injunctive relief in order to be allowed to use the law
18 library more frequently than currently allowed by his prison. (Doc. 43, at 2.) Petitioner
19 states that he is only allowed to use the law library on Tuesdays for a two-hour period.
20 (Id.)

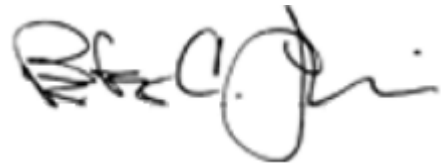
21 To prevail on a motion for preliminary injunction, the moving party must show either
22 “(1) a likelihood of success on the merits and the possibility of irreparable injury, or (2)
23 the existence of serious questions going to the merits and the balance of hardships tipping
24 in [the moving party’s] favor.” Oakland Tribune, Inc. v. Chronicle Publishing Co., Inc.,
25 762 F.2d 1374, 1376 (9th Cir. 1985) (citation omitted). The two formulations represent
26 two points on a sliding scale with the focal point being the degree of irreparable injury
27 shown. Oakland Tribune, 762 F.2d at 1376. “Under either formulation of the test,
28 plaintiff must demonstrate that there exists a significant threat of irreparable injury.” Id.

1 In the absence of a significant showing of irreparability, the court need not reach the issue
2 of likelihood of success on the merits. Id.

3
4 Plaintiff's motion fails to meet the requirements for preliminary injunctive relief.
5 Plaintiff has not demonstrated that he is likely to suffer irreparable harm in the absence of
6 a preliminary injunction. An irreparable injury in this context would be prejudice Plaintiff
7 would suffer in existing or contemplated litigation, such as the failure to meet a filing
8 deadline due to inadequate access to the law library and/or his legal property. However,
9 Plaintiff has been given an adequate litigation timetable to file his motions and to conduct
10 his legal research. The Court has been generous in granting Plaintiff additional time to do
11 his legal research because of the constraints that he currently experiences as a prisoner.
12 Because Petitioner has effectively been given ample time to access the law library, the
13 Court denies Plaintiff's motion for injunctive relief at this time.

14
15 **IT IS SO ORDERED.**

16 DATE: March 14, 2018

17
18 

19 Peter C. Lewis
20 United States Magistrate Judge
21
22
23
24
25
26
27
28